

Remarks/Arguments:

Claims 1-26 are presently pending with claims 3-7 withdrawn from consideration. Applicants herein amend claim 1. Support for the claim amendment can be found, for example, in the original application at page 12, line 10 to page 13, 6, and FIGs. 10-11. No new matter has been added.

Applicants thank the Examiner for the courtesy of the telephone interview. A summary of the interview is set forth in the below remarks. As discussed during the interview, this Amendment is being filed with a Request For Continued Examination based on the Examiner's Indication that a further search would be required. The Examiner indicated that any action citing new art would be in the form of a non-final action.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-2, 8-9, 17, and 21-26 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,761,733 to Chobotov et al. ("Chobotov"). Claims 10-16 and 18-20 stand rejected under 35 U.S.C. § 102(a) as unpatentable over Chobotov. Applicants traverse these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 1 recites:

A system for treating vasculature, comprising:

a first graft component, the first graft component including a self-expanding

structure and an inferior end portion;

a second graft component separate from the first graft component and configured to be delivered within vasculature separately from the first graft component; and

a delivery catheter, the delivery catheter including a releasing mechanism, a sheath overlaying the releasing mechanism and the first graft component, and a restraining structure that maintains the inferior end portion of the first graft component in a reduced diameter, the releasing mechanism configured to maintain the self-expanding structure of the first graft component in a compressed configuration after the sheath is withdrawn exposing the self-expanding structures;

wherein the second graft component has a superior end having an opening larger than the reduced diameter of the inferior end of the first graft component.

The second graft component is separate from the first graft component and is configured to be separately delivered into the vasculature of a patient. This may facilitate the deployment of the graft device within the vasculature. See the original application at page 3, lines 5-18. Additionally, the second graft component has a superior end having an opening larger than the reduced diameter of the inferior end of the first graft portion. This may enable the second graft component to be placed about the inferior end of the first graft component. This may assist in the delivery of the device for treatment of an aneurysm formed in an aorta of a patient. See the original application at page 12, lines 10-18, and page 13, lines 7-19.

Applicants respectfully submit that Chobotov fails to disclose, teach, or suggest at least the features of "a second graft component separate from the first graft component" and "wherein the second graft component has a superior end having an opening larger than the reduced diameter of the inferior end of the first graft component." Chobotov is directed to a delivery system and method for a bifurcated endovascular graft. As discussed during the interview, Chobotov discloses a bifurcated graft 401 having graft legs 404 and 405 with self-expanding members 407 and 408. See Chobotov at column 33, lines 48-55. As shown in FIG. 26 of Chobotov, all components of bifurcated graft 401 are connected with each other by way of main body portion 402. Additionally, FIG. 26 depicts leg portions 404 and 405 of graft 401 having ends smaller than the distal end 403 of graft 401. Chobotov fails to disclose, teach, or suggest bifurcated graft 401 having two components separate from each other. Thus, Chobotov fails to disclose, teach, or suggest graft 401 having a component with a superior end

larger than the reduced diameter of an inferior end of a separate component. Accordingly, Applicants respectfully submit that Chobotov fails to disclose, teach, or suggest "a second graft component separate from the first graft component" and "wherein the second graft component has a superior end having an opening larger than the reduced diameter of the inferior end of the first graft component," as recited in independent claim 1.

During the interview, the Examiner acknowledged the shortcomings of Chobotov. Accordingly, since Chobotov fails to disclose, teach, or suggest each and every limitation of the claimed invention, Applicants respectfully submit that Chobotov fails to support the rejections for anticipation and obviousness. Therefore, Applicants respectfully request reconsideration and allowance of claim 1.

Claims 2 and 8-26 each depend, either directly or indirectly, from claim 1. Accordingly, claims 2 and 8-26 are allowable for at least the reasons discussed above with respect to claims 1. Applicants respectfully request reconsideration and allowance of claims 2 and 8-26. Withdrawn claims 3-7 depend from allowable generic claim 1. Applicants respectfully request reinstatement and allowance of claims 3-7.

Conclusion

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, the Examiner is invited to contact the undersigned to arrange the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JLC', is written over a horizontal line.

Joshua L. Cohen, Reg. No. 38,040
Glenn M. Massina, Reg. No. 40,081
Attorneys for Applicants

JLC/GMM/AJK/mc/ap

Dated: May 8, 2009

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.